

NYPD supervisor countersues whistleblower

By Rich Calder

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Photo: Reuters

A scandal-scarred NYPD supervisor on Tuesday countersued whistleblower cop Adrian Schoolcraft, alleging he drummed up bogus complaints about wrongdoing at a crime-ridden Brooklyn precinct that the official once commanded as “revenge” for a bad evaluation.

Deputy Inspector Steven Mauriello filed his \$2 million countersuit in Manhattan federal court, which also seeks to dismiss the \$50 million suit that Schoolcraft socked the city, him and others with in 2010.



Deputy Inspector Steven
Mauriello

Photo: David McGlynn

Schoolcraft claims he was forced to spent time in a mental ward after claiming cops at the 81st Precinct were fudging crime stats.

Mauriello's counterclaim alleges Schoolcraft wanted his ex-commander deemed the "scapegoat" for "intentional downgrading of crime."

"As a result of the foregoing wrongful conduct by plaintiff, Steven Mauriello has suffered damage to his career and reputation ... he has undeservedly suffered public humiliation and scorn, and has been caused to suffer extreme emotional distress," the countersuit alleges.

Schoolcraft could not immediately be reached for comment.

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Deputy Inspector Steven Mauriello, the main antagonist of whistleblower cop Adrian Schoolcraft, has broken a long public silence, and is fighting back against Schoolcraft's allegations in recently filed court papers, the Village Voice has learned.

Mauriello [pictured at far left with Mayor Bloomberg and Police Commissioner Kelly] was Schoolcraft's commander in the 81st Precinct in Brooklyn. During the three years since Schoolcraft sued Mauriello, other police bosses and the city, Mauriello has remained largely quiet, expect to deny Schoolcraft's claims. Now, in a motion for counterclaims, his lawyer Walter Kretz accuses Schoolcraft of mounting a manipulative "revenge campaign" against Mauriello. (In the motion, Kretz cites a book by this reporter, titled "The NYPD Tapes," among other documents.)

"The cumulative documentary and recorded evidence produced in discovery, some of which has only recently been delivered to us, and some of which has been revealed to us through the recent release of the Rayman book, provides a portrait of the plaintiff as a disaffected police officer determined to do harm to those who essentially evaluated him fairly based upon his poor performance, and properly treated him on the job as he deserved to be treated," Kretz writes.

"Rather than respond to their instruction, patience, encouragement and support, he deceived them and has subjected them, and especially Mauriello, to a reckless and malicious revenge carried out secretly for an extended time."

Nathaniel Smith, Schoolcraft's lawyer, declined to comment on the Kretz allegations.

Kretz alleges that Schoolcraft and his father, Larry, who had sued three police

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departments in the past, hatched a plan to destroy Mauriello's career" while laying a false foundation for claims plaintiff intended to bring against the City," Kretz asserts in an Oct. 7, 2009 recording in which the Schoolcrafts discuss a plan to "fuck Mauriello over."

"Plaintiffs intended to carry out the plan by making unfound and exaggerated accusations against the supervising officers of the 81st Precinct, which plaintiff and his father hoped would make Mauriello the 'scapegoat' for the alleged wrongdoing in the 81st Precinct and throughout the NYPD, and thus cause Mauriello to get fired."

While an internal NYPD report substantiated Schoolcraft's claims of downgrading of crime reports, Kretz alleges that Schoolcraft himself had a hand in it.

"[Schoolcraft] caused at least three incidents--two grand larcenies and one burglary--to be recorded instead as lost property and caused at least three other incidents not to be reported at all," he writes. "While he identified 13 incidents of improper crime reporting, he actually was responsible for six such incidents."

Schoolcraft's plan, Kretz claims, was that the crime victims would return to the precinct and complain, thus setting up a paper trail to show that crime reports were not properly handled.

"[Schoolcraft's] goal was not to assist his fellow officers or the people of the 81st Precinct," Kretz writes. "It was to do harm to Mauriello while fabricating support for claims he intended to bring."

That report, prepared by the NYPD's Quality Assurance Division, made no claim that Schoolcraft had anything to do with downgrading of reports himself. The report was completed in 2010, but buried by the NYPD, until this newspaper was able to obtain a copy through back channels.

Kretz also cites a remark taken from a tape Schoolcraft made of a conversation with his father, in which he says, Officers "just worked together so we wouldn't have to work with any niggers."

Kretz: "While it is appalling enough that a New York City police officer would harbor such racist sentiments, especially when serving a predominantly African American community, his decision to pretend otherwise to bolster his malicious scheme to harm Mauriello, is that much more despicable."

In the past, Larry Schoolcraft has said that his son wasn't making a racist remark, but parrotting the sentiments of other officers.

And we should note that those remarks were lifted from an Internal Affairs report that was pretty biased against Schoolcraft. One example of that is that those quotes were reproduced without the full conversation. Another is that the report clearly gave more importance to what Mauriello and other police bosses were saying, than it did Schoolcraft.

Kretz goes on to outline Mauriello's likely defense to the lawsuit. Mauriello contends that he gave Schoolcraft a poor evaluation based on the advice of his subordinates. When Schoolcraft complained, Mauriello and the other bosses disagreed, saying he just wasn't doing his job.

Mauriello claims he was not aware that Schoolcraft was seen by a department psychologist, who ordered his guns and shield removed. Mauriello was not aware of why he and his staff were called to Internal Affairs after Schoolcraft was forced into the psychiatric ward at Jamaica Hospital on Oct. 31, 2009. He did not order Schoolcraft to be taken to the psych ward.

"As far as Mauriello knew, the events of October 31, 2009, were triggered by plaintiff's unusual and ultimately bizarre behavior and were undertaken to make sure plaintiff was not about to cause harm to himself or anyone else," Kretz asserts.

However, as readers of this newspaper are aware, Schoolcraft's tape of that evening does not indicate he ever threatened himself or others that night.

Kretz also discloses that one of the recordings he will use came from Schoolcraft's computer--the one in his apartment. The city has claimed that they did not seize his computer, so how that happened is yet another puzzle in a case filled with them. The city has resisted returning the items seized from Schoolcraft's apartment that night.

"In any event, we intend to show through the recording of the conversation between



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plaintiff and his father, as well as through other recordings, that plaintiff's complaints to QAD, and to IAB, were materially false and "intended to damage Plaintiff and to create unfounded support for plaintiff's intended claims against the City for retaliation," Kretz writes.

The central legal foundation for Mauriello's counterclaim is "tortious interference," which occurs when a party intentionally damages another party's business relationships.

The most famous example of this type of claim took place during the landmark litigation over Big Tobacco 17 years ago. Whistleblower Jeffrey Wigand had given an interview to "60 Minutes," breaking his confidentiality agreement with tobacco company Brown and Williamson.

CBS Broadcasting decided not to televise the full interview with Wigand, and block out his features, after Brown and Williamson threatened to file a multi-billion-dollar lawsuit against CBS for "tortious interference."

The attorney general of Mississippi stepped in and deposed Wigand, and that move gave CBS the legal cover to run the full segment and identify the whistleblower in February 1996.

In the period since Schoolcraft's story became public, Mauriello has lost his command. He was transferred to the Bronx Transit unit. He was charged departmentally with failing to take a police report, among other things. And that case has been left more or less unresolved ever since.

But we wonder, does the city really want to conflate the treatment of Schoolcraft with that of Wigand, who was not only vindicated, but went on to become a key witness in a series of "big tobacco" lawsuits and change the whole dynamic in this country around smoking. Mayor Bloomberg, after all, banned smoking in most public places.

A hearing on Kretz's motion will take place in federal court in Manhattan on Oct. 16.

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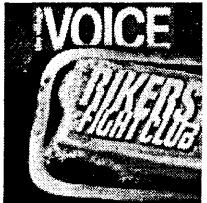
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protagonist

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Mauriello is CLEARLY desperate. If he thinks that this will win him support from the public, he's even more of an idiot than I thought. (Shame on his attorney for filing such a frivolous document.)

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